

CITY OF HALLANDALE BEACH  
DEPARTMENT POLICY  
DEPARTMENT OF PUBLIC WORKS/UTILITIES & ENGINEERING

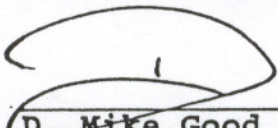
DATE OF ISSUE: 8/19/99

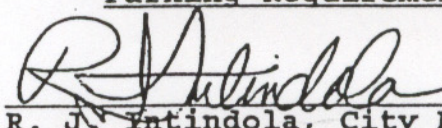
NO.: D-44/R2

EFFECTIVE DATE: 8/19/99

SUBJECT: Review Procedures  
For Granting Drainage  
Waiver Associated with  
Parking Requirement

REVISION DATE: 1/04/02

  
D. Mike Good  
Director, DPW/Utilities & Engineering

  
R. J. Antindola, City Manager

I PURPOSE AND INTENT

To establish a review procedure by which property owners who must construct parking facilities to meet the requirements of Article XI Subsection 2.06 of the Zoning and Land Development Code may be granted a drainage waiver when a hardship is determined, subject to their installation of drainage landscaping.

II DEFINITIONS

Property Owners: Applies only to Single Family Homes with a 59' wide lot or less.

Non-Conforming Drainage: Greater than thirty percent (30%) of the swale in the public R.O.W. fronting a lot parcel is to be paved with impervious material without existing or proposed positive drainage sub-surface drainage facilities.

Drainage Waiver: A waiver from installing sub-surface drainage facilities.

Drainage Landscaping: Regrading, sodding and addition of trees in swale, as determined by City Engineer.

Hardship: The drainage landscape conditions of the property are not adequate to meet the drainage requirements. The width of the required two (2) parking spaces (18') exceeds 30% of the parcel frontage requiring the installation of positive drainage or subsurface drainage facilities in accordance with Broward County Code Section 27-200 Surface Water Management Minimum Requirements and City Ordinance, Chapter 32, Section 4.01.05.b.3.

III POLICY/PROCEDURES

1. Property owners who have been denied a building permit to construct parking facilities due to nonconforming drainage shall apply to the Growth Management Department, Building Division, for a Drainage Waiver.



**Departmental Policy D-44/R2, Review Procedures For Granting  
Drainage Waiver Associated with Parking Requirement**  
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2. The Drainage Waiver application, including the Drainage Waiver Submission Checklist, (Attachment A) shall be routed to the City Engineer for determination of drainage landscape criteria.
3. To compensate for the increased impervious area over the 30% allowed by Code on the public R.O.W. fronting a lot parcel, the following drainage landscaping criteria may apply:
  - a) Increase the depth of the swale beyond the requirement of City Ordinance Section 25-39, to a depth determined by the City Engineer.
  - b) The addition of two trees in the center of the regraded swale.
  - c) Agreement of property owners to maintain the regraded swale and additional trees.
  - d) Executions of an agreement attesting to the property owner's knowledge of 3 c) and City Ordinance, Section 32-385 b(4), prohibiting parking on sodded or landscaped areas. Violation of said provision shall result in revocation of the waiver and the alternative sub-surface drainage system shall be required at the property owner's expense.
4. The above referenced agreement must be in the form of a recordable covenant and be recorded with the Broward County Recorder's Office. The property owner shall execute the agreement and provide the recording fee (a check in the amount of \$10.50 made payable to Broward County) prior to zoning approval. The agreement must be approved by the City Attorney as to form before recordation.
5. Upon a determination by the Zoning Official on the proposal's compliance with the above criteria and conditions, the building permit may be approved for zoning. The application shall then be routed to the Building Division for other applicable review and final approval and issuance of the Building Permit.

**IV ADDITIONAL INFORMATION, REQUIREMENTS AND RESPONSIBILITIES**

It shall be the responsibility of the City Engineer to update this policy.



**"Attachment A"**

**DRAINAGE WAIVER SUBMISSION CHECKLIST**

(to be provided with application)

Date: \_\_\_\_\_ Folio # (Required) \_\_\_\_\_

Location/subject property: \_\_\_\_\_

Applicant's Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Agent's Name(if applicable): \_\_\_\_\_ Phone: \_\_\_\_\_

This checklist is for the convenience and use of applicants and the City to ensure basic submission information is provided. Applicants are responsible for submitting proposals which include all listed items in this checklist. Failure to provide any listed items shall be cause for the City to return your application. Applications must be determined to be complete by staff before any processing occurs.

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Applications from properties with 59' wide lots or less to construct parking facilities required by Code, which lack sufficient pervious area to meet on-site drainage requirements may apply for a drainage waiver. In order to be considered for a drainage waiver, the following must be submitted.

**SECTION I - SUBMISSION REQUIREMENTS**

1. Submittal of a site plan together with the building permit application.

Site plan will be returned to property owner with new depth of swale requirement.

2. Resubmittal of an amended site plan of the parking area reflecting:
  - a) The new depth of swale.
  - b) The location of the proposed two trees, situated in the center of the swale.
  - c) The trees required by (b) above, shall be of an approved species and meet the minimum height requirements of the Code. The proposed species and height shall be indicated on the amended site plan.



Prepared by:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DECLARATORY STATEMENT OF ZONING RESTRICTIONS  
RUNNING WITH THE LAND - DRAINAGE WAIVER

WHEREAS, the undersigned is the fee simple owner(s) of real property located within the City of Hallandale Beach and described as:

Street Address:

Parcel Identification No:

WHEREAS, the above-described property is a single family home with a 59' wide lot or less and is not in compliance with the minimum parking requirements of Article IV, Division 11, Section 32-455 of the City of Hallandale Beach's Zoning and Land Development Code, and

WHEREAS, the width of the required two (2) parking spaces (18') exceeds 30% of the parcel frontage requiring the installation of positive drainage or sub-surface drainage facilities in accordance with Broward County Code Section 27-200 Surface Water Management Minimum Requirements and City Ordinance, Article VI, Division 2, Section 32-855 paragraph b(3).

WHEREAS, the City has determined in lieu of installing a sub-surface drainage system, the remaining swale adjacent to the property be subject to drainage landscaping criteria.

NOW, THEREFORE, THE PROPERTY OWNER, IN CONSIDERATION OF THE RECEIPT OF A DRAINAGE WAIVER, HEREBY COVENANTS AND AGREES AS FOLLOWS:



1. The sub-surface drainage requirement is waived and the swale area in the the public right-of-way must be regraded and sodded to a depth specified by the City Engineer.

2. The property owner agrees to install and maintain two (2) trees on the re-landscaped swale for the purpose of discouraging parking.

3. This instrument shall be recorded in the public records of Broward County, Florida, and shall constitute a continuous covenant and restriction running with the land.

IN WITNESS WHEREOF, I have set my hand and seal this

\_\_\_\_\_, 20\_\_\_\_.

WITNESSES:

OWNER(S):

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Address

STATE OF FLORIDA            )  
                                  ss:  
COUNTY OF BROWARD        )

The foregoing instrument was acknowledged before me  
this \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_  
who is personally known to me or has produced \_\_\_\_\_ as  
identification.

\_\_\_\_\_  
Notary Public  
\_\_\_\_\_  
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